

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JFS HOLDINGS INC., )  
Plaintiff, )  
v. ) Civil Action No.: 05-709-SLR  
ABESSINIO PROPERTY MANAGEMENT )  
INC., )  
Defendant. )

## SCHEDULING ORDER

At Wilmington this \_\_\_\_\_ day of \_\_\_\_\_ 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b),

**IT IS ORDERED** that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del LR 16.2
  2. **Discovery.**
    - (a) Discovery will be needed on the following subjects: Breach of contract, *i.e.*, breach of the lease in question
    - (b) All discovery shall be commenced in time to be completed by May 30, 2006.
    - (c) Maximum of 30 interrogatories by each party to any other party.
    - (d) Maximum of 30 requests for admission by each party to any other party.
    - (e) Each party may take a maximum of 2 depositions

- (f) Each deposition [other than of Plaintiff and Defendant] limited to a maximum of one (1) hour unless extended by agreement of parties.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by May 30, 2006. Rebuttal expert reports due by June 30, 2006
- (h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed R.Civ.P. 27. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of Other Parties, Amendment of Pleadings, and Class Certification.**

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before June 30, 2006

**4 Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thynge for the purposes of exploring ADR.

**5 Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before July 31, 2006. Briefing shall be pursuant to D Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

**6 Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of

papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.

7. **Motions in Limine.** All motions *in limine* shall be filed two weeks before the pretrial conference. All responses to said motions shall be filed one week before pretrial conference.

8. **Pretrial Conference.** A pretrial conference shall be held on \_\_\_\_\_ at \_\_\_\_\_ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D.Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a \_\_\_\_\_ trial commencing on \_\_\_\_\_ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases

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United States District Judge